

08/31/01  
JC986 U.S. PTO

09-04-01

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Please type a plus sign (+) inside this box [ + ]

PTO/SB/05 (11-00)  
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J1036 U.S. PTO  
09/945132  
08/31/01

### UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 3399P056  
(maximum 12 characters)

First Named Inventor Peter King et al.

Title: STATEFUL LOAD BALANCING

Express Mail Label No. EL617182895US

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, D. C. 20231

### APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1.  X  **Fee Transmittal Form (e.g., PTO/SB/17)**  
(Submit an original, and a duplicate for fee processing)
2.   **Applicant Claims Small Entity Status. (37 CFR 1.27)**
3.  X  **Specification (Total Pages  35 )**  
(preferred arrangement set forth below)
  - Descriptive Title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference sequence listing, a table,  
or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  X  **Drawings(s) (35 USC 113) (Total Sheets  9 )**
5.  X  **Oath or Declaration (Total Pages  4 )**
  - a.   Newly Executed (Original or Copy)
  - b.   Copy from a Prior Application (37 CFR 1.63(d))  
(for Continuation/Divisional with Box 17 completed)
    - i.    DELETIONS OF INVENTOR(S)  Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
  - c.  X  Unsigned.
6.   **Application Data Sheet. (37 CFR 1.76)**
7.   CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8.   Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a.   Computer Readable Form (CRF)
  - b.   Specification Sequence Listing on:
    - i.   CD-ROM or CD-R (2 copies); or
    - ii.   paper
  - c.   Statement verifying identity of above copies

# **ACCOMPANYING APPLICATION PARTS**

9. \_\_\_\_\_ **Assignment Papers (cover sheet & documents(s))**
10. \_\_\_\_\_ a. Separate 37 CFR 3.73(b) Statement (where there is an assignee)
- \_\_\_\_\_ b. Power of Attorney
11. \_\_\_\_\_ English Translation Document (if applicable)
12. \_\_\_\_\_ a. Information Disclosure Statement (IDS)/PTO-1449
- \_\_\_\_\_ b. Copies of IDS Citations
13. \_\_\_\_\_ **Preliminary Amendment**
14.   X   **Return Receipt Postcard (MPEP 503) (Should be specifically itemized)**
15. \_\_\_\_\_ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16.   X   **Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.**
17.   X   Other: Copy of postcard w/ express mail stamp (1 pg.)

**18A. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:**

\_\_\_\_\_ Continuation \_\_\_\_\_ Divisional \_\_\_\_\_ Continuation-in-part (CIP)  
**Of Prior Application No.:** \_\_\_\_\_ **Examiner** \_\_\_\_\_ **Group Art Unit** \_\_\_\_\_  
 (which is a \_\_\_\_\_ continuation/ \_\_\_\_\_ divisional/ \_\_\_\_\_ CIP of prior application no. \_\_\_\_\_,  
 which is a \_\_\_\_\_ continuation/ \_\_\_\_\_ divisional/ \_\_\_\_\_ CIP of prior application no. \_\_\_\_\_) (List entire chain of priority)

**Applicant(s): Also include a Preliminary Amendment to amend the specification to claim priority.**  
**For CONTINUATION AND DIVISIONAL APPS only:** The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**18B. Statement under 37 CFR 3.73(b) for continuing application:**

The undersigned states that \_\_\_\_\_ (name of assignee) is  
 the assignee of the entire right, title, and interest in the accompanying patent application by virtue of an  
 assignment recorded in the Patent and Trademark Office at Reel. No. \_\_\_\_\_ Frame No. \_\_\_\_\_  
 (or a copy of which is attached).

**19. Correspondence Address**

  X   Customer Number or Bar Code Label \_\_\_\_\_  
 or \_\_\_\_\_  
 \_\_\_\_\_ Correspondence Address Below



**26529**

(Insert Customer No. or Attach Bar Code Label here)  
 PATENT TRADEMARK OFFICE

NAME George B. Leavell

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_

Country \_\_\_\_\_ TELEPHONE \_\_\_\_\_ FAX \_\_\_\_\_

Name (PRINT/TYPE): George B. Leavell Registration No.: 45,436

Signature: \_\_\_\_\_ Date: 8/31/01

# FEE TRANSMITTAL for FY 2000

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT** (\$) 1,604.00

## Complete if Known

Application Number  
Filing Date August 31, 2001  
First Named Inventor Peter King  
Examiner Name  
Group/Art Unit  
Attorney Docket No. 3399P056

## METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to.

Deposit Account Number 02-2666

Deposit Account Name Blakely, Sokoloff, Taylor & Zafman LLP

- ☒ Charge Any Additional Fee(s) Required Under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20  
☐ Applicant claims small entity status. See 37 CFR 1.27.

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	710	201	355	Utility filing fee	710.00
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

**SUBTOTAL (1)** (\$) 710.00

### 2. EXTRA CLAIM FEES

Large Entity		Small Entity		Extra Claims	Fee from below	
Fee Code	Fee (\$)	Fee Code	Fee (\$)			
103	18	203	9	Claims in excess of 20		
102	80	202	40	Independent claims in excess of 3		
104	270	204	135	Multiple Dependent claim, if not paid		
109	80	209	40	**Reissue independent claims over original patent		
110	18	210	9	**Reissue claims in excess of 20 and over original patent		

\*\*or number previously paid, if greater. For Reissues, see below

**SUBTOTAL (2)** (\$) 894.00

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for response within first month	
116	390	216	195	Extension for response within second month	
117	890	217	445	Extension for response within third month	
118	1,390	218	695	Extension for response within fourth month	
128	1,890	228	945	Extension for response within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

Other fee (specify)

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$)

## SUBMITTED BY

Name (Print/Type) George B. Leavell

Registration No. (Attorney/Agent) 45,436

Telephone (408) 947-8200

Signature

Date

8/31/01

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2039.**


Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.  
SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Peter King
Title	Stateful Load Balancing
Attorney Docket Number	3399P056

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

8/31/01  
Date

  
Signature  
George B. Leavell, Reg. No. 45,436  
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application upon filing.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. Failure to do so will result in abandonment of this application (35 U.S.C. 112(b)(B)(iii)).

Serial/Patent No.: \*\*\* Filing/Issue Date: Herewith  
Client: Openwave Systems, Inc.  
Title: Stateful Load Balancing

BSTZ File No.: 3399P056 Atty/Secty Initials: GBL/pmr  
Date Mailed: August 31, 2001 Docket Due Date:

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- |  |  |
|--|--|
| <input type="checkbox"/> Amendment/Response (____ pgs.)  | <input checked="" type="checkbox"/> Express Mail No.: EL617182895US <input checked="" type="checkbox"/> Check No. 419    |
| <input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate)                              | <input type="checkbox"/> _____ Month(s) Extension of Time Amt: \$1604.00   |
| <input checked="" type="checkbox"/> Application - Utility (35 pgs., with cover and abstract)   | <input type="checkbox"/> Information Disclosure Statement & PTO 140 (____ pgs.) <input type="checkbox"/> Check No. _____ |
| <input type="checkbox"/> Application - Rule 1.53(b) Continuation (____ pgs.)                   | <input type="checkbox"/> Issue Fee Transmittal Amt: _____  |
| <input type="checkbox"/> Application - Rule 1.53(b) Divisional (____ pgs.)                     | <input type="checkbox"/> Notice of Appeal  |
| <input type="checkbox"/> Application - Rule 1.53(b) CIP (____ pgs.)                            | <input type="checkbox"/> Petition for Extension of Time  |
| <input type="checkbox"/> Application - Rule 1.53(d) CPA Transmittal (____ pgs.)                | <input type="checkbox"/> Petition for _____  |
| <input type="checkbox"/> Application - Design (____ pgs.)                                      | <input checked="" type="checkbox"/> Postcard   |
| <input type="checkbox"/> Application - PCT (____ pgs.)   | <input type="checkbox"/> Power of Attorney (____ pgs.)   |
| <input type="checkbox"/> Application - Provisional (____ pgs.)                                 | <input type="checkbox"/> Preliminary Amendment (____ pgs.)   |
| <input type="checkbox"/> Assignment and Cover Sheet  | <input type="checkbox"/> Reply Brief (____ pgs.)   |
| <input checked="" type="checkbox"/> Certificate of Mailing                                     | <input type="checkbox"/> Response to Notice of Missing Parts   |
| <input checked="" type="checkbox"/> Declaration & POA (4 pgs.) (unsigned)                      | <input type="checkbox"/> Small Entity Declaration for Indep. Inventor/Small Business                                     |
| <input type="checkbox"/> Disclosure Docs & Orig & Copy of Inventor's Signed Letter (____ pgs.) | <input checked="" type="checkbox"/> Transmittal Letter, in duplicate (2 pgs.)  |
| <input checked="" type="checkbox"/> Drawings: 9 # of sheets includes 12 figures                | <input checked="" type="checkbox"/> Fee Transmittal, in duplicate (1 pg.)  |

☒ Other: Request for Certification Under 35USC 122(b)(2)(B)(i) (1 pg.),  
A copy of the postcard w/express mail stamp (1 pg.)

"Express Mail" mailing label number: EL617182895US  
Date of Deposit: August 31, 2001

I hereby certify that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

Patricia M. Richard

(Typed or printed name of person mailing paper or fee)

P. Richard

(Signature of person mailing paper or fee)

August 31, 2001

(Date signed)